rk of his department or for no services The court held on Wednesday that Mr. Smith was within his rights in refusing to testify about Nagle's duties. Mr. Mitchel says the Corporation Counsel will appeal. The case of Mrs. O'Connell cus ventilated last summer. It was alleged that she did not work the eight hours a day certified, and Mr. Mitchel says the evidence seemed to show that she spent much of the time she was the

s the evidence seemed to show that spent much of the time she was sup-ed to be at work for the city in attendposed to be at work for the city in attending a physical culture school where she studied anatomy, hygiene, kinesiology, physiology, history of physical training, calisthenics, fencing and Swedish gymnastics. She was described as a Sullivan

ointee. ommissioner Mitchel also that irregularities such as led to the removal of Borough President Ahearn were continued in Ahearn's office after Ahearn had been reelected by the Manhattan Aldermen. "From the testimony," he says. "we find that there is at present, hattan Aldermen. "From the testimony."
he says, "we find that there is at present,
as in 1907, a waste of the salary appropriations in this department, that there are tions in this department, that there are employees on the payrolls receiving monthly or weekly compensation who do little or no work and who seldom appear at the offices of the department except to report and receive their payroll checks. In at least one instance a man drawing a salary of \$2,000 a year in the bureau of buildings has not been obliged even to report at the office to receive his monthy obeck. The check has been mailed to him to a point outside the city where he was engaged in a private business which kept him from the city for several months."

The man referred to is William-Sauer.

him from the city for several months."

The man referred to is William-Sauer, the assistant chief clerk in the Bureau of Buildings. The report stated that Bauer owns a hotel at Sharon Springs, N. Y., and that for several months in the year he is absent from the city running the hetel.

the hotel.

Another instance given is the case of William E. Atwelf, who is employed in the Sewer Department. The report says that Atwell is interested in the theatrical firm of Sullivan & Considine and that he has given most of his time to the business of this firm. The salary paid to him by the city is \$1,800.

Mr. Mitchel mentioned other cases and said:

"From the testimony received by us in the foregoing cases, the only ones in which we have had time carefully to examine, we are convinced that laxity, waste and irregularities in payrolls have the permitted to continue unchecked in this department and that the payrolls in the office of the president of the payrolls. a the office of the President of the service for the city."

THE SWITCHMEN'S STRIKE. Labor Leaders Hopeful of Effecting Peaceful Solution.

WASHINGTON, Dec. 30 .- "We are hop of effecting a peaceful solution of the ble, but along what lines I am of the railway department of the Federaion of Labor, who came here in an effort list influences with a view to bringe an end to the switchmen's strike now in progress on railroads running between St. Paul and the Pacific coast.

Thave an appointment to meet Chairman Knapp of the Interstate Commerce Commission and Labor Commission ner Na I paragraphy. Continued Mr. Perham. He de Illned to answer a question as to whether he was atthorized to invoke the Erdman arbitration act in behalf of the striking switchmen. "I will take advice on the subject." he said. "I will be in a better position to discuss the subject after I have talked it over with be in a better position to discuss the subject after I have talked it over with Mr. Knapp and Mr. Neill."

Mr. Perham was asked if President Taft would be asked to intercede in the trouble Telween the railway employees.

Taft would be asked to intercede in the trouble between the railway employees and the railway employers.

"We have not reached that point yet," he said. "This also is a question that I will be better able to discuss after I have seen Messrs, Knapp and Neill."

If Mr. Perham charries out his present plans he will leave Washington to-morrow night. If the President is asked to interest the request would undoubtedly be all the dealers are therefore that if the good offices of the President are sought Mr. Perham will remain over until Saturday or Monday. The President is in New York to-day.

Mr. Perham is determined to keep his own counsel for the present. After

with Pre sident Gompers of the Fedgration of Labor. When seen to-might Mr. Gompers refused to comment on the strike situation in the West. He would not discuss the possibility of a strike in sympathy with that called by President Hawley of the switchmen's

JERSEY DEMOCRATS IN CAUCUS. What the Minority Will Stand for in the Next Legislature.

Jersey Senate and Assembly had a caucus old 100th. rday afternoon in the law office tate Senator William C. Gebhardt of Hunturdon county at 239 Washington street, Jersey City. Only two of the six minority Senators, Gebhardt and

James F. Fielder of Hudson, were present. All the Democratic Assemblymen were thank excepting Cole of Warren.

The Assemblymen decided to nominate the property of Hudson for Speaker and agreed upon Mark A. Sullivan as floor leader. This steering committee was named: Meyers of Sussex, Matthews of Husterdon, Walsh of Mercer, Ramsey of Hudson.

The Assemblymen decided to nominate the primary of Hudson for Speaker and James of Hudson.

The Assemblymen pledged that the second for the primary law and favoring the last session taking money from the school funds; favoring the enactment of a real instead of a sham employers liability law; bills to make effective the recommendations made by the Democratic finance committee of last winter reducing the expenses of the State Government; favoring enual taxation of all property, including the main stems of railroads.

the State, and the separation of muni pal from State and national elections. HE DEFENDED AL ADAMS. . H. Newman, Once a Well Known Law-

favoring equal taxation of all property, including the main stems of railroads the conservation of the potable waters of the state for the benefit of the people

yer, Dies in His Lodging House. Villiam H. Newman, a well known yer in Brooklyn thirty years ago, died

lawyer in Brooklyn thirty years ago, died succeed y yesterday afternoon in a furnished from house which he conducted at 135 fast 11th street.

Newman was 75 years old and for the last few years had been in poor health. His first wife died several years ago, and four years ago he was married to saine Gibbons, who once had an art store on Broadway. She died three weeks ago and since then Newman's mind had been wandering and he refused to eat.

When Al Adams was tried for running the policy game Newman was one of his the policy game Newman was one of his lawyers. At one time he had a law office at 100 Broadway with Al Adams, Jr.

TREATS HER TO A SUICIDE. Folsky Ibittes His Landlady's Attention

Before Shooting Himself. Michael Polsky went into the kitchen his boarding house, at 133 East 110th teet last night and asked Mary Schaefer, his boarding mistress, if she would like to

eee him kill himself.

"I certainly wouldn't. I wouldn't like to see any one do such afool thing as that,"

"I den't care if you don't, I will do it."

and Polsty. He took a revolver from his and Polsky. He took a revolver from his polsky. He took a revolver from his polsky. Hot himself through the right temple and dropped to the floor dead.

Polsky was 22 years old and a baker.

He appeared to have been drinking.



As the "bouquet" of rare wine.

MARQUISE CIGARETTES

of a "vintage"

ENGLAND AND HER COLONIES Canadian Tells Britishers He Thinks an Imperial Council Is Coming.

Special Cable Despatch to THE SUN. LONDON, Dec. 30.-The British Empire Club held its inaugural to-day with luncheon, at which many well known per sons were present. This function opened club formed to provide a home for officials and leading residents of different parts of the empire while they were in London. The committee of the club includes Lord Strathcona, High Commis sioner of Canada in England; Earl Onslov and Lords Blythe and Brassey.

J. S. Willison, editor of the Toronto eus, acknowledged a toast to the press. anxious about Canada.
"We on the other side," he said, "are no

anxious on account of Great Britain. No one, he continued, thought tha Great Britain was a dying country, and while Canada had been slow to move she would do her duty to the empire, not only in mere loyalty to it but in defence

of its integrity.
"We in Canada," continued Mr. Willison, "refuse to believe that there is in to the colonies or that there is any party with whom the interests of the empire

are not absolutely secure." Mr. Willison said he believed that as a great imperial council in which every

oversea dominion would be represented

INDIA RICH IN COTTON. Exports to America Bring Prices That Mean Prosperity.

Special Cable Despatch to THE SUN LONDON, Dec. 31.-The Bombay cor spondent of the Times says that an extraordinary position has arisen in the cotton trade. In consequence of the abnormal season, Indian cotton has been demand in America, and 10,000 bales have been shipped to that country, with the prospect of a much larger business in the near future. The cotton is of good quality, and the recent rains have bene fited the crop.

The cotton districts have not enjoyed

much prosperity since the American civil war. They are receiving the value of four years crops in one year. The sudden prosperity is causing a paralyzing dearth

Emmanuel's views in regard to the limitation of armaments.

To Revive Old Canadian Regiments. Special Cable Despatch to THE SUN. BIRMINGHAM, Dec. 30.-The Post says it understands that the Government will shortly announce its approval of the revival suggested by the Dominion Government of three old Canadian infantry The Democratic minorities in the New regiments, the most noted of which is the

> Weds Granddaughter of Sir Richard Owen.

> Special Cable Despatch to THE SUN LONDON, Dec. 30.-John F. B. Vandaleur of Toronto, Canada, was married to-day at Christ Church, East Sheen, to Mary, granddaughter of Sir Richard

President Failleres III. Special Cable Despaich to THE SUN PARIS, Dec. 30.—President Fallières s ill. A specialist has been called in

consultation. Banker Zotti Must Stand Trial.

The Appellate Division of the Suprem court threw out yesterday the appeal of Frank Zotti, the Croatian banker and steamship agent of 108 Greenwich street, from the commitment by Magistrate Corrigan, in July, 1908, to await the action of the Grand Jury on the charge of grand arceny of his customers' money

Granite Strike Still On.

BARRE, Vt., Dec. 30 .- A committee o he Barre Granite Manufacturers Association voted to-day not to accept the proposition offered by the cutters union, as the trouble in this region is still un

Our haberdashery department

offers the best qualities

and at moderate prices,

Correct Bress for Men

ALFRED BENJAMIN & Cos Tailor-made clothes

Fur-lined Overcoats, \$50 to \$450-a few of them

Full dress Waistcoats, correct models, ready to wear, \$4 to \$11.

Dress Shirts, \$1.50 to \$3.50; sleeve lengths to fit any man.

decidedly reduced from former reasonable prices.

for critical men.

INTRENCHED IN CITY OFFICE

COLLINS BACK ON HIS OLD JOB BY MAIN STRENGTH.

He's Been Reinstated by the Courts as Not Taking Any Chances-Night Spent in the Park Row Building.

James G. Collins is camping in the office of the Superintendent of Highways on the sixteenth floor of the Park Row Building, making his bed on a pair of flat topped desks, subsisting on cans of coffee and sandwiches and threatening to poke anybody who tries to eject him

Mr. Collins was Superintendent of Highways himself until January F. 1904, when John F. Ahearn took office as Borough President of Manhattan and grabbed Collins's job for his lieutenant, George F. Scannell. Collins went to court to get his job back. For five years the case of Collins against the city, John F. Ahearn and George F. Scannellhas been dragging through the Supreme Court, the Appellate Division and the Court of Appeals, but it was not until yesterday that Collins had a chance to get real action on his claim. Supreme Court Justice Vernon M. Davis on Wednesday afternoon granted him a writ which reinstated him in office. It was necessary for Mr. Collins to get possession of the rooms used by the Superintendent of Highways before January 1, 1910, in order that his claim against the city for back salary of \$38,570 might not be abrogated by the five years statute of limitations. It was imperative that he should be in possession of Scannell's desk, papers and other official properties and that he find the opportunity of signing his own name as Superintendent of Highways to a few official orders. Collins had been waiting for a chance to do that for several years, but it was not until his attorney got the writ of mandamus from Collins was appointed by Jacob A. on Wednesday afternoon granted him a attorney got the writ of mandamus from

break into Scannell's office.

Corporation Counsel Pendleton's staff had been expecting a raid as soon as they learned that Justice Davis granted the order. Collins's lawyer said that this British island any feeling of hostility half a dozen sleuths were assigned by the to the colonies or that there is any party Corporation Counsel's office to keep tab on Collins and follow his movements. They Mr. Willison said he believed that as and to telephone a warning if he headed the years went on there would develop for the Park Row Building. Collins was perfectly aware that he was being shadwed, so he made up his mind to lose the

Justice Davis that he had a legal right to

They were lined up outside of the Court House on Wednesday when Collins got his order. They watched only one entrance, so Collins slipped ou the back way with the writ in his pocket Just one man was on guard in Chambers street and Collins led him a merry chast through a labyrinth of office building and back streets. Finally he lost him and made straight for the Park Row

and made straight for the Park Row Building.
He had with him his friend Tom Mc-Namara, Herbert C. Smyth and Charles Sanders. It was 6:30 P. M. on Wednesday night when they got to the office of the Superintendent of Highways, on the sixteenth floor of the Park Row Building. Scannell, of course, had gone and the clerks had gone. The only folks about were two old women who were scrubbing the floors and cleaning up. Collins made them get out and hastily set to work to fortify the place. With McNamara, Smyth and Sanders he did some tall hustling, expecting every minute that

Mr. Perham carries out his present is he will leave Washington to-mornight. To the President is asked to like the request would undoubtedly liked to him by the labor leader. Limitation of Armaments.

Special Cable Despatch to The Sun.

London, Dec. 30.—A despatch from I Saturday or Monday. The President are is in New York to-day.

To Perham is determined to keep his counsel for the present. After talk with Commissioners Knapp and La-morrow he will have a conferse with President Gompers of the small some time during the first an arrhy of invasion would arrive and try to recapture the office.

There are four entrances to the suite of offices and Collins blocked them all. He was equipped with a bunch of screw eyes, very useful for putting doors out of business, and he used several pairs of them very effectively. One screw eyes he put in the wall at the top of the door and its mate was bored into the door an inch or two away. Then an iron bar was run through the eyes. The same process was repeated all the way down on two doors. The third door was nailed up and the fourth Collins merely locked. They put two flat topped desks together They put two flat topped desks together and made a bunk. Nobody had a really retreshing sleep on Wednesday night, and they didn't sleep much last night. They divided their squad into watches and went on duty three hours at a time. Every time they heard a noise in the hallways they imagined that Scannell and his friends had arrived and were going to try to break in. They didn't go hungry because Collins had established a messenger boy service from the Astor a messenger boy service from the Astor House to the Park Row Building, and the messengers kept them supplied with hot coffee, roast beef and things. There were no attacks in the night, but Collins knew that there would be doings when day-light arrived. Sure enough, at 8:30 o'clock in the

Sure enough, at 8:30 o'clock in the morning the first batch of Highways Department clerks turned up and yammered at the doors. They shook the handles and pounded and yelled and climbed up to look over the transom of Scannell's office. They had something interesting to reward their acrobatic efforts. Collins, dead tired, was stretched out on the desks, Smyth by his side. Tom McNamara and Sanders were sitting in chairs facing the locked door. Both Mr. McNamara and Mr. Sanders, who are husky two handed citizens, had stout capes at hand. They looked coldly at the astonished clerks.

"Beat it," said Mr. McNamara, "while the going is good."

"But we want to get in to do our work," said the clerks.

"But we want to get in to do our work," said the clerks.

"We'll do all the work that's necessary in this office." said Tom. "Now skate or you'll wake my boss, and he's touchy when he's shy of sleep."

The clerks scurried and promptly let George P. Scannell know that the enemy was in possession of the premises. Scannell, pretty angry, hustled down to the Park Row Building, shot up to the sixteenth floor and demanded to be let in. Collins was awake and up by that time.

"You get out of here!" said Scannell.

"Not on your life!" said Collins. "The Court put me here and here I'm going to stay until midnight on Friday. You can put your bankroll on that play."

"What's the use to make a bluff like

We've two departments only,

both replete with suggestions

that Jimmy," said Scannell. "I'm talking to you as a friend. You've got no right to jump in here and grab my private papers and take my desk and do all those things."

John Cloughen, who was elected Borough President on last Tuesday to succeed John F. Ahearn, got there while Collins and Scannell were wrangling. Cloughen demanded to be let in, telling Collins that as Borough President lashad a right to say who should be in possession of one of his departments. Collins laughed at him.

"You may be Borough President," said he, "but the Supreme Court of this State is bigger than a raft of Borough Presidents. Do you mean to say that you've got no respect for the courts?"

"Oh, I respect the courts, all right," said Cloughen, "but you'aren't much of a sport, that's all I've got to say."

"Well," Collins shot back, "I'm holding all the face cards in this game and I'm playing them to win for about \$40,000."

After an hour of argument and wrangling and threats Cloughen and Scannell got possession of all of the offices save the most important, the private office of the Superintendent of Highways, Scannell's room. There Collins and his bodyguard made their citadel. Collins didn't care about the other rooms, because in occupying Scannell's he had possession of the payrolis, the stationery, the seals and the other official properties. Yesterday afternoon he signed a payroll with his name and title, "James G. Collins, Superintendent of Highways." Scannell cut the telephone connection with the private office, but Collins said he would bet that he would get that restored to-day or there would be trouble for a lot of people. He said he intended to a with he awar to heir got possession properties.

not bothered again.
Collins was appointed by Jacob A Cantor in 1902 and was fired by Ahearr in 1904. His suit was based on the contention that in the absence of charges Ahearn had no right to supersede him He made the city, Ahearn and Scannel joint defendants in an action which has been thirty these times in the Supersedent. joint defendants in an action which has been thirty-three times in the Appellate Division and twice in the Court of Appeals. Two weeks ago he won his suit but the Corporation Counsel made no appearance. Ahearn being out of office and the Aldermen not having elected his successor, the Corporation Counsel could not direct anybody to obey the court's order. So Collins had to execute himself. The \$38,570 he has a judgment for is for back salary with interest, and he has an allowance of \$1,800 additional for counsel fees.

Hemmed in by Flames and Unable Break the Plate Glass.

Fire that for a time threatened a bus ness part of Newark started last evening in the double three story building of 230 and 232 Market street, the ground floor of which was occupied by the Electrical Motor and Equipment Company on one side and by a moving picture show on the other. The two other floors were occupied by the first named concern as office, show room and workshop, the latte being on the top floor.

The fire started in the basement of the electrical plant and shot up the elevator shaft to the second and third floors so quickly that the two girl stenographers in the office and three workmen in the repair shop were hemmed in and unable to get to the stairway. The entire second floor is plate glass and, screaming for helt, the girls ran toward the front and wildly gesticulated to the people in the street to come to their rescue. They smashed the window and carried the nearly suffocated girls to the sidewalk. They are Nellie I. Haring of 96 Sherman avenue and Annie Cohen of Thirteenth

They are seller I. Haring of the sherman avenue and Annie Cohen of Thirteenth avenue.

While this rescue was going on another was being made by Deputy Chief Towey and some of his men. The three men in the repair shop when they found they were out off made their way to the roof and from the edge appealed to the crowd below for help. Several times they prepared to jump but listened to the shouts of the firemen to wait. After considerable trouble caused by a network of wires a ladder was run up to within a few feet of where the men stood. Towey, the first to reach the top, guided the three men in turn over the edge of the roof on to the ladder and they were safely landed on the sidewalk.

At the time the fire started there were about fifty persons in the moving picture house, but they all got out safely although badly frightened. The building was completely gutted. The loss is estimated at about \$100,000. The cause of the fire is unknown.

SHE TOOK IT CALMEY.

Why Mrs. Smith Did Not Collapse When Told Her Husband Was Dead.

A telephone message was received a the Union Hill police station on Wednesday night that a man believed to be Gerhardt Smith of 513 Fourth street, that town, had been killed by a trolley car in Paterson. Policeman Friedel was directed by Sergt. Schrumpf to notify Mrs. Smith and fifteen minutes late; he rang her doorbell. Mrs. Smith let him in.

in.

"Madam." he said, coughing, "I'm very sorry, but I've got some bad news for you. Be just as brave as you can. Your husband has been killed."

Mrs. Smith laughed heartily and called out, "Gerhardt, come here a minute. Here's an officer who says you are a dead one."

one."

Smith walked out of the dining room for inspection and explained that he guessed a mistake had been made somewhere.

It subsequently developed that the man who was killed by the trolley car was identified by a letter bearing Smith's name and address which was found in his pocket. Smith couldn't explain how he got it.

BOND ISSUE CARRIES. San Francisco Votes to Build and Main-

SAN FRANCISCO, Dec. 30 .- Returns up to 8 o'clock this evening show that the proposition to bond the city for \$1,900,000 for the construction of the Geary street electric road and for \$120,000 for continuing the road to the Market street ferry has carried. The vote in 70

ferry has carried.

The vote in 70 out of 300 precincts show 8,400 for the bonds to 2,200 against. A two-thirds majority is required to carry the bonds.

The proposition is to have the city construct an electric conduit road from Geary and Market streets to Ocean Beach and maintain the road.

Dinner of Fottery, Glass and Brass Men More than 100 members of the Pottery Glass and Brass Salesmen's Association dined at the Hotel Aster last night. None of the diners looked as if the year now fading had been unkind to them, and all who spoke had a cheerful word on the prospects of 1910. Among the speakers were: Prof. Joseph M. Tilden of Brooklyn. Charles Herman, Robert Frothingham, a magazine man; Francis B. Lee of Trenton and Congressman James M. Hamill of New Jersey: "The Salesman as a Political Factor" was the subject that the Congressman tackled.

HAS AN ARCTIC EXPERIENCE NEAR WASHINGTON.

The Taxicab in Which He, Mrs. Peary spe Her Sister Were on Their Way to a drift and Stuck There Until Dug Out.

"Goodness!" cried Mrs. Peary. cious!" exclaimed Mrs. Peary's sister. "Heavens!" thundered the explorer. He also made some further comments that escaped reproof during the excitement This seems quite natural and homelike, after the chauffeur, who had dug his way through the snow and opened one of the doors of the taxicab, had informed him they were stuck and would have to

But the explorer didn't sit there very long thinking it over. "A man of action must be prepared for all emergencies," he said firmly, and taking a glance at the taximeter and removing the cork from an artificial horizon built for pecket use took an observation.

"I observe," he remarked in a mor "that we are in latitude 7.50, longitude 8:15 P. M. You folks sit here while I conduct a relief expedition of one." Whereupon the Commander, although in evening dress and wearing low cut patent leathers, started off across

To-day he intimated in nasal tones that it was one of the meanest trips he ever made. He ploughed and wallowed through drifts of snow that sometimes reached his knees, sometimes his waist, and on one memorable occasion his shoulders.

And although he knocked at several doors before he arrived at the hospitable home of Mr. Barnard, where a dozen or so hungry folks were wondering why the guest of the evening didn't come, he failed to arouse sufficient enthusiasm among the natives to result in the organine failed to arouse sumcient enthusiasm among the natives to result in the organization of a rescue party. If the explorer didn't make it a point to keep himself in good physical shape he would have been all in when he reached his destination. As it was he was pretty well blown and the artificial horizon was nearly empty.

blown and the artificial horizon was nearly empty.

"Come on here." the Commander directed when he had landed in the midst of the wondering guests; "that infernal taxicab is in a snowdrift about a mile from here. The ladies are in it and the thermometer is pretty nearly down to zero. Get ropes and shovels and chains and some boards and we'll get 'em out."

About two minutes later Commander Peary was leading a relief expedition consisting of his host, Mr. Barnard, Dr. Kiefer and Joshua Callahan, better known as Josh, who has something of a local reputation as a wit. Callahan amused himself and everybody else during the trip back to the taxicab by singing ironical improvised ditties concerning the fate of a pole discoverer who had the hard luck to be stranded between Chevy Chase and Tennallytown and within sight of the lights of the national capital. Here is a bit of the doggerel that didn't make a hit with the Commander.

"We are your faithful Eskimo; we'll help you find the pole, Be kind to us, for otherwise you'll miss that

Then lead us to your taxicab and let us all start in."

Commander Peary said to-day, that this may sound foolish in daylight, but that sung at 9 o'clock of a zero evening by three idiots carrying shovels and things through two feet of snow it is extremely irritating to the nerves.

The work of digging out the taxicab took more than an hour and then a mighty careful run was made to Mr. Barnard's house, where the Pearys and the other guests sat down to a somewhat dried up 8 o'clock dinner at half-past 10 o'clock.

But the party was extremely happy and everything was going along nicely, until about salad time, when Mr. Peary jumped out of his seat, grabbed Mr. Callahan with one hand and Dr. Keifer with the other, rushed them outside and began to massage their faces with snow. They resisted at first, but it didn't do much good, for the Commander is about four feet wide across the shoulders and a foot and a half thick through the chest.

"Ears trostbitten" he explained to the Chen lead us to your taxicab and let us all start in."

and a root and a hair thick through the chest.

"Ears frostbitten" he explained to the gasping and spluttering guests. "Your noses too; maybe your faces for all I know. This is the only treatment." And he roughhoused the two of them for half an hour, and when he quit they thanked him for his first aid to the injured treat-

ment.

"Oh, that's all right," said Mr. Peary.
"I enjoyed your songs and comments so much I'd do more than that to you."

The Pearys came back to town long after midnight in an open automobile, although the temperature was well down

WILL BE NO STRIKE.

Four Officials and Telegraphers Reach a Basis of Settlemen CINCINNATI, Dec. 30 .- There will be no

strike of telegraphers on the Big Four railroad. This was decided to-day. The basis of the settlement of the trouble between the telegraph operators and the road will not include a 20 per cent. ncrease in the payroll. This was the request made by the com

mittee of seven representing the operatops of the seven divisions of the Big Four, coupied with the understanding that the operators through their own committees would prorate the increase among the operators as seemed to them proper. The plan was not agreed to by the Big Four officials, and it is understood that the compromise effected contemplates that the committee, headed by J. J. Dermody, fourth vice-president of the Telegraphers Union, and General Manager Wooster, shall take up the schedule station by station, and where increased traffic accompanied by increased work is shown a commensurate increase in the pay at that station shall be made.

The conference between the committee and the Big Four officials will probably continue for several days, as the work of making up the new schedule as planned means the consideration of over 1,000 (allies). tops of the seven divisions of the Big Four.

Roy Lamphere, Convicted in Guno

Michigan City, Ind., Dec. 30.—Roy Lamphere, convicted of arson in the famous Gunness case, died in prison here to-night, death being due to consumption.

MORSE'S FAMILY GATHERS. THIS GAS FRANCHISE IS GOOD

For the first time in his thirteen month imprisonment in the Tombs Charles Morse passed an absolutely sleepless night. He paced his cell most of the time Sister Were on Their Way to a He declined to see any reporters yester day. His lawyer, Martin W. Littleton and Stuck There Until Dug Out. said yesterday that he still had hope

Dinner Skidded Into a Six Feet Snewdrift and Stuck There Until Bug Out.

Washington, Dec. 30.—Commander Robert E. Peary, U.-S. N., who sledded to the north pole and back about a year after Dr. Cook of Brooklyn made the trip on the Imagination Limited, had an Arctic experience last night within seven miles of Washington that was almost as bad in some respects as anything he experience limited for the unusual and unique adventure the explorer may be inconvenienced for several days.

"I ab nod sure," he told a friend to-day, "bud I thig I tog gold. By doze id all dubbed ub. Aid id siddy?"

Commander Peary, Mrs. Peary and Mrs. Peary's sister were on their way last evening to keep an 8 o'clock dinner engagement at the country home of Ralph P. Barnard, son of Justice Job Barnard, of the Supreme Court of the District of Columbia, when the taxicab in which they were riding skidded, bucked a couple of times and hopped off the builting of the Washington that was almost as a distinct of Columbia, when the taxicab in which they were riding skidded, bucked a couple of times and hopped off the District of Columbia, when the taxicab in which they were riding skidded, bucked a couple of times and hopped off the road into a six foot snowdrift. The chauffeur managed to keep his seat, but the Pearys involuntarily assembled in one corner of the vehicle.

"Goodness!" cried Mrs. Peary "Gracious!" exclaimed Mrs. Peary's sister.

Mrs. lalwyer, Marthy probable, he said, that he would be ready to appear in court before Monday on his appliention for a writ of error. He visited Morse at the Tombs and went over with him the application for a writ.

Mrs. Miorse spent most of the night and practically all day yesterday with her unushand went over with him the application for a writ.

Mrs. Miorse spent most of the night and practically all day yesterday with her unushand and unique adventusion of the night and vent over with him the application for a writ.

Mrs. Miorse spent most of the valence with her visited Morse at the Tombs.

Mrs. Agar

over for the new year, had been taken out of their hands and transferred to the Criminal Branch of the Supreme Court. Among these cases are thirteen homicide cases. Acting District Attorney Nott was asked about the change yesterday and raid that the cases had been transferred by order of Justice MacLean at the request of Frank Moss, District Attorney-elect Whitiman's chief of staff. Mr. Nott said that Mr. Moss would try the most important cases on the calendar, and would try them in the Supreme Court with the thirteen homicide cases.

Yesterday was moving day for District Attorney Jerome. His official duties will be over to-night, and yesterday his private possessions were removed from the Criminal Courts Building. A box containing his scrapbooks was shipped

the Criminal Courts Building. A box containing his scrapbooks was shipped to his home at Lakeville, Conn., while other private records of his eight years service were sent to his home in this city. A large bundle of his official letters was burned in the furnace at the Criminal Courts Building.

SPECIAL MESSAGE NEXT WEEK It Will Request Legislation for Reorgani-

zation of the Personnel of the Navy. WASHINGTON, Dec. 30.-President Taft will send to Congress after the holiday recess a special message requesting legislation for the reorganization of the the staff corps of the navy. Accompanying the message will be a memorandum from the General Board of the Navy suggesting a pian for accomplishing the reorganization, together with comments by Secretary of the Navy Meyer. The present condition in the line and staff present condition in the line and staff corps were referred to in President Taft's December and in Secretary

December and in Secretary Meyer's annual report.

The legislation desired by the President and Secretary Meyer is intended to provide for rapid promotions, so that officers shall arrive at command rank earlier in life than they do now. The senior officers are much older than officers of similar rank in foreign navies. Plag officers, Secretary Meyer holds, reach the grade of Rear Admiral so late in their career that those of comparatively long service as Rear Admirals do not get adequate training as subordinate flag officers before assuming the chief command.

Man a result of this condition the junior officers of the line, it is claimed, will soon be in a state of congestion which will prevent reasonably rapid promotion Several months ago Secretary Meyer instructed the General Board to study this question and to make a report as to the best means for remedying these conditions. The General Board com-pleted its report several weeks ago and forwarded it to Secretary Meyer, who now has it under consideration.

THREATENS GILBERT'S ARREST Nassau Sheriff Says Brokaw's Broth Law Drew a Revolver on Him.

MINEOLA, L. I., Dec. 30.-Sheriff Jos H. Foster of Nassau county wants an apology from H. Bramball Gilbert of Great Neck, brother-in-law of W. Gould Brokaw. He says that if he doesn't get it by Saturday night he will ask for a warrant for Gilbert's arrest for attempted assault; carrying concealed weapons and disorderly conduct. Sheriff Foster said

to-day:

"Gilbert came back from the Garden
City Hotel last Monday night, after having
had supper there, in a mood anything
but pleasant. He entered the court room,
where he dropped his coat and assumed
such an offensive attitude that Constable
John Buhler led him protesting from the

"Buhler brought Gilbert to the office of the County Clerk downstairs and sent for me, fearing that he would not be able to handle Gilbert alone, and being anxious to handle Gilbert alone, and being anxious to keep him from trying to enter the court room in his condition.

"As I entered the room Gilbert drew his hand from his side pocket and I saw that it held a revolver. I grabbed his hand and after a short struggle managed to get possession of the gum. Then Gilbert used most abusive language toward both myself and Buhler. We managed to keep him with us until court adjourned for the night, when he left for the hotel."

DRIVER AND HORSE OVERBOARD Both Rescued, One After Half an Hour

With a String and a Derrick.

Samuel Novak of 410 Grove street. Jersey City, drove onto the Morris street pier in that city late yesterday afternoon to get a load of ice. He miscalculate the exact location of the river edge and steered his horse, a big gray, over the bulkhead line. The animal slipped out bulkhead line. The animal slipped out of its harness and into the water. The wagon remained on the pier, but Novak took a header and flopped into the river alongside the horse.

The driver was rescued by men on the pier and the gray of a steam lighter wont fishing for the horse with a hawser and a derrick. The animal kept itself affoat for nearly an hour before a sling was made fast around its middle and it was hoisted to the dock.

The horse was cent to the S. P. C. C. shelter to get thawed out and Novak was taken to the City Hospital for the same purpose.

CITY DEFEATED BY A CON-

SOLIDATED SUBSIDIARY. Grant of the Legislature to the Mutual in 1866 Was Perpetual and Is Not Affected by a Thirty Year Franchise

The New York Mutual Gas Light Company, which is prohibited by its charter from merging with any other gas company but which is controlled by the Consolidated, has a perpetual charter from the State of New York to use the streets of New York city, according to a ruling yesterday by the Appellate Division of the Supreme Court, and the city authorities have no power to llimit or restrict this

charter in any way.

The court handed down this opinion in the suit brought by the city for either a permanent injunction restraining the gas company from using the streets or an order requiring the company to apply to the Board of Estimate for a new franchise and to pay damages which may be assessable because of the company's use of the streets without authority. The complaint states that the company

was formed in 1866 and incorporated under a special charter from the State Legislature permitting it to make gas and use the city streets on specified conditions In 1868 the Board of Aldermen passed a resolution permitting the company to served until Monday and the convicted banker will spend New Year's Day in the Tombs.

Mrs. Morse was in the Federal Building yesterday afternoon. She was very detected, and after an interview with Marshal Henkel she left his office in tears.

FRANK MOSS BEGINS EARLY.

Has 36 Cases Transferred From General Sessions to Supreme Court.

The Judges of General Sessions were much chargined yesterday about certain changes which had been made in the court calendars.

After January 1 these calendars will be made up by the Judges themselves, and not by the District Attorney. The Judges held their last meeting of the year yesterday and learned that fifty-six cases, comprising the most important cases left over for the new year, had been taken out of their hands and trunsferred to the Criminal Branch of the Supreme Court, anong these cases are thirteen homicide cases. Acting District Attorney Jerome. His official dutes the request of Frank Moss, District Attorney Jerome. His official dutes will be over to night, and yesterday is private possessions were removed from the Criminal Courts Building. A box containing his sorapbooks was shipped to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the companies of the Consolidated to his home at Lakeville, Conn., while the consolidated to his home at Lakeville, Conn., while the consolidated to his home at Lakeville, Conn., while the consolidated to h lay its pipes for thirty years, subject to the same restrictions as other compan

The city had similar suits against constituent companies of the Consolidated under way when the attorney-tieneral's suit was brought, but they have been sidetracked to await the final decision in the Consolidated action. The suit against the Mutual was looked on as a test case for as a communication.

Red Cap

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JERICHO **AUTO-HORN** FOR EFFICIENCY, BEAUTY OF TONE AND PRICE IT BEATS THE WORLD

DIED.

DAVIS.—At her residence, 57 West 48th at., on Tuesday, December 28, Marie Antoinette, wife of Fellowes Davis and daughter of the late George Baker of Boston.

KITSELL.—On December 29, James Kitsell, sged 69. Services at "THE FUNERAL CHURCH." 241 West 22d st. (CAMPERIL BLOG.): Friday

MITCHELL.—On Thursday, Desember 33, at the residence of his sister, Mrs. H. H. Wickham. 216 Whitestone av., Flushing, N. Y., Ernest Mitchell, in the 65th year of his age.

MURDOCH. -On December 25, William Murdoch aged 33. ervices at "THE PUNERAL CRUSCH," 241 West 23d st. (CAMPREL BLDG.), Friday 12 o'clock.

23d st. (CAMPRELL BLDG.), Friday 12 o'clock.
ROBINSON.—On Sunday, December 28, at Villanova, Pa., Aliene Ivers, wife of Edward
Moore Robinson and daughter of the late
Richard Ivers of San Francisco.
Funeral services will be held at St. Mark's
Church, 16th and Locust sts., Philadelphia.
on Friday, December 31, at 11 at M. Inlerment at Woodlawn, New York, private
San Francisco, London and Paris papers
please copy.
SULLIVAN:—Suddenly, on Thursday, December
39, 1909, at her residence, 111 East 50th st.

2), 1908, at her residence, ill East 80th st... Susan Donohue, dearly beloved wife of John Sullivan.

Notice of funeral herafter. Notice of funeral herafter.

VAN NESS.—On Tuesday, December 25, 1809, at Newark, N. J., John Newton Van Ness, eldest son of Nicholas, deceased, and Catherine Doremus Van Ness.

Funeral services will be held at his late home.

1dt Warbington at Newerk on Friday, December 31; at 2 P. M. Relatives and friends are invited to attend. Intermed at Mount Pleasant Cemetery at the contractions of the family.

UNDERTAKERS, PRANK E. CAMPBELLE, SAN-RADW, See Sa. Chapels. Anthulance Service. Col. 1804 Obvices.